

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :  
: Case No. PERA-U-21-182-E  
: (PERA-R-1278-C)  
:  
COMMONWEALTH OF PENNSYLVANIA :

**ORDER**

On August 20, 2021, a Petition for Unit Clarification was jointly filed with the Pennsylvania Labor Relations Board (Board) by the Commonwealth of Pennsylvania (Employer) and the Service Employees International Union Local 668 (SEIU), requesting that the Nisi Order of Certification issued by the Board on January 4, 1972, to Case No. PERA-R-1278-C, be amended to include the position of Human Services Program Specialist (job code 48815) to the Social and Rehabilitative Services, Non-Supervisory Unit, F-4. On September 9, 2021, the Board Representative issued a Nisi Order of Unit Clarification to include the position of Human Services Program Specialist in the bargaining unit represented by SEIU. On September 29, 2021, an employee, Kathleen Beani, Human Services Program Specialist, filed exceptions to the September 9, 2021 Nisi Order of Unit Clarification.

The Board has consistently held that individual employees lack standing to participate in a unit clarification proceeding or to litigate their placement in the bargaining unit. *E.g. Commonwealth of Pennsylvania*, 26 PPER ¶26134 (Final Order, 1995). Only a public employer or the exclusive bargaining representative may be a party to a unit clarification proceeding before the Board. 34 Pa. Code §95.23. Further, only a party to a petition or charge may file exceptions with the Board. 34 Pa. Code §95.98(a). Accordingly, Ms. Beani lacks standing to file exceptions to the Nisi Order of Unit Clarification.

Moreover, it is well established that differing or specialized duties alone are not sufficient to negate a community of interest with employees in an existing bargaining unit. *West Perry School District v. PLRB*, 752 A.2d 461 (Pa. Cmwlth. 2000); *Berks County*, 32 PPER ¶32082 (Final Order, 2001). Here, both parties to the unit clarification, SEIU and the Commonwealth, agreed and stipulated to the appropriateness of including the Human Services Program Specialist position in the unit certified by the Board at PERA-R-1278-C. There are no cognizable claims on exceptions that inclusion of the Human Services Program Specialist position in the Social and Rehabilitative Services, Non-Supervisory bargaining unit represented by SEIU is not appropriate under PERA.

After a thorough review of all matters of record, individual employees are not a party to and lack standing to participate or file exceptions in a unit clarification proceeding. Accordingly, the Board Representative's September 9, 2021 Nisi Order of Unit Clarification has become final in accordance with 34 Pa. Code §95.98(b) of the Board's Rules and Regulations.

**ORDER**

In view of the foregoing and in order to effectuate the policies of the Public Employe Relations Act, the Board

HEREBY ORDERS AND DIRECTS

that the exceptions filed to the above captioned matter be and the same are hereby dismissed.

SEALED, DATED and MAILED at Harrisburg, Pennsylvania pursuant to conference call meeting of the Pennsylvania Labor Relations Board, James M. Darby, Chairman, Albert Mezzaroba, Member, and Gary Masino, Member, this sixteenth day of November, 2021. The Board hereby authorizes the Secretary of the Board, pursuant to 34 Pa. Code 95.81(a), to issue and serve upon the parties hereto the within Order.